

REMARKS

Justification for the amendments is as follows. That the Examples referenced at page 23, line 20, of the specification are correctly Examples 9, 10, and 11, rather than Examples 7, 10, and 11, is clear from a review of the surrounding discussion, which relates to processing of recombinant collagen, as described in Examples 9, 10, and 11, and not to cross-linking of recombinant human gelatins, as described in Example 7. The remaining amendments to the specification correct typographical errors.

With respect to the claims, claims 16 through 20, 46, 53, and 74 are canceled above without prejudice to their renewal. Applicants specifically reserve the right to prosecute the subject matter of claims 16 through 20, 46, 53, and 74 in continuing applications. Claims 4, 15, and 75 are reiterated above, and claims 21 and 30 were previously amended.

Support for amended claim 2 can be found in the specification, at, e.g., page 32, line 10; in Table 2 (page 76); and page 77, line 18 through line 26. Claims 3 and 8 are amended above to be independent claims and to remove overlapping ranges as requested by the Examiner. Support for the additional amendments to claim 8 is found in the specification, e.g., at page 25, line 37, through page 26, line 8.

Claim 12 is amended above to clarify that the recombinant gelatin of claim 12 is a mixture of identical recombinant gelatin molecules, i.e., a homogenous and uniform material (see the specification at, e.g., page 30, line 37, through page 31, line 8; and page 60, lines 20 and 21). Claim 13 is amended above to clarify that the recombinant human gelatin of claim 13 is a mixture of different recombinant human gelatin polypeptides (see, e.g., page 31, line 12 through line 25; page 33, line 25 through line 29; page 34, line 27 through line 29; page 38, line 13 through line 17; page 40, line 16 through line 19; and Examples 9, 10, and 11).

Claims 5, 6, 9, 13, 14, 42-45, 47-51, 54-62, 64-68, and 70-73 are amended above to be independent claims, incorporating all limitations of the base claim, as suggested by the Examiner.

New claims 76 and 77 are supported by claim 3 as originally filed, and by the specification at, for example, page 31, line 32 through line 36. New claims 78 through 82 find support in, e.g.,

claim 8 as originally filed, and new claim 83 is supported in the specification at least at page 25, line 20 through line 31, in Examples 4 and 5, etc. The recombinant gelatin polypeptide of new claim 84 is supported throughout the specification, for example, at page 11, line 35 through line 37; and page 40, lines 15 and 16. New claims 85 and 86 find support in claim 13 as originally filed and in the specification, e.g., at page 28, line 7 through line 16; page 33, line 25 through line 29; and in Examples 9 and 10.

The recombinant human gelatin of new claim 87 is supported throughout the specification, for example, at page 23, line 18 through line 20 and lines 29 and 30; page 27, line 6 through line 13 and line 19 through line 31; page 28, line 7 through line 16; in Example 10, etc. New claim 88 is supported in the specification at, e.g., page 23, line 20 through line 23; page 56, line 20 through line 23; and in Example 1. The recombinant human gelatin of new claim 89 finds support at page 7, lines 18 and 19; page 38, line 31 through line 33; page 39, line 8 through line 10; page 50, lines 30 and 31, etc.

Support for new claim 90 is found, for example, in claim 53 as originally filed, and as for claim 12 as amended. Support for new claim 91 is as for claim 13 as amended. Support for new claim 92 is found, for example, in claim 9 as originally filed and as amended. Support for new claim 93 is found in claim 8, as originally filed and as amended. Support for new claim 94 is as for new claim 83. Support for new claim 95 can be found in claim 14 as originally filed and as amended. Support for new claims 96, 97, and 98 is as for new claims 87, 88, and 89, respectively.

No new matter is added by any of these amendments.

I. Claim Status

Claims 1-74 were originally filed, and were subject to a restriction requirement. Claims 1, 7, 10, 11, 22-29, 31-41, 52, 63, and 69 were previously canceled, and claim 75 was previously added. New claims 76-98 are added below, and claims 16-20, 46, 53, and 74 are canceled herein. Therefore, claims 2-6, 8, 9, 12-15, 21, 30, 42-45, 47-51, 54-62, 64-68, 70-73, and 75-98 are pending. Claims 4, 12, 21, and 30 are allowed. The Examiner indicated claims 2, 5, 6, 9, 13-15, 42-45, 47-52, 54-62, 64-68, 70-73, and 75 would be allowable if rewritten as amended above.

II. Rejection of Claims 3 and 8 Under 35 U.S.C. 112, second paragraph

The Examiner rejected claims 3 and 8 under 35 U.S.C. 112, second paragraph. Specifically, the Examiner found these claims indefinite for reciting a “broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim).” (Office Action, page 3.) Accordingly, these claims are amended above to no longer recite narrower ranges or limitations that fall within a broader range or limitation within a single claim. The rejection of claims 3 and 8 under this section is thus overcome, and withdrawal of the rejection is respectfully requested.

III. Rejection of Claims 20, 46, 53, and 74 Under 35 U.S.C. 102

Claims 20, 46, 53, and 74 were rejected under 35 U.S.C. 102(b) as being anticipated by Wironen et al. (U.S. Patent Application No. 2002/0098222 A1). Applicants believe that the Examiner intended to state that these claims were rejected under 35 U.S.C. 102(e).

Claims 20, 46, 53, and 74 are canceled above. The rejection is thus moot as to these claims. Withdrawal of the rejection of claims 20, 46, 53, and 74 as being anticipated by Wironen et al. under 35 U.S.C. 102 is thus respectfully requested.

IV. Rejection of Claims 16-19 Under 35 U.S.C. 102

The Examiner rejected claims 16-19 under 35 U.S.C. 102(e) as being anticipated by Gerlach et al. (U.S. Patent No. 5,227,368). Applicants believe that the Examiner intended to state that these claims were rejected under 35 U.S.C. 102(b).

Claims 16-19 are canceled above. The rejection of these claims under 35 U.S.C. 102 as being anticipated by this reference is thus moot, and withdrawal of the rejection is respectfully requested.

V. Objection to Claims 2, 5, 6, 9, 13-15, 42-45, 47-52, 54-62, 64-68, 70-73, and 75

Claims 2, 5, 6, 9, 13-15, 42-45, 47-52, 54-62, 64-68, 70-73, and 75 were objected to for being dependent upon a rejected base claim. Applicants note that claim 52 was previously canceled.

The Examiner stated these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claims 2, 5, 6, 9, 13-15, 42-45, 47-51, 54-62, 64-68, 70-73, and 75 are amended above as requested by the Examiner, and Applicants submit these claims are thus allowable.

CONCLUSION

The Examiner's indication that claims 4, 12, 21, and 30 are allowed and that claims 2, 5, 6, 9, 13-15, 42-45, 47-51, 54-62, 64-68, 70-73, and 75 are allowable as amended above is much appreciated. Applicants believe the present application is now in condition for allowance.

The Commissioner is hereby authorized to charge any fees necessary to Deposit Account No. 50-0811. **This form is enclosed in duplicate.**

Please call Applicants' Attorney directly at 650-866-7254 with any questions regarding this communication.

Respectfully submitted,

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